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Federal Communications Commission
Office of the Secretary

August 3, 2007

VIA OVERNIGHT DELIVERY

Marlene H. Dortch, Secretary
Federal Communications Commission
445 Twelfth Street, S.W.
Washington, D.C. 20554

Attn: Eloise Gore, Media Bureau

Re: Rural ATM Digital Video Providers Group Petition for Waiver of 47 C.F.R. § 76.1204(b); Implementation of Section 304 of the Telecommunications Act of 1996; Commercial Availability of Navigation Devices – CS Docket No. 97-80

Dear Ms. Gore:

Herewith this letter, John Staurulakis, Inc. ("JSI")¹ requests a refund in the amount of \$1250.00 for a payment of a filing fee for a petition for waiver in the media services category that was ultimately paid twice. JSI provides the following explanation of the circumstances surrounding its request for a refund.

On April 9, 2007, JSI submitted a Petition for Waiver of section 76.1204 of the Commission's media rules on behalf of the Rural ATM Digital Video Providers Group (the "Group"), a group of fifty-seven (57) video providers.² Simultaneously with the April 9 filing of the Petition, JSI paid a single filing fee on behalf of the Group in the amount of \$1250.00³, along with a Form 159 for each of the 57 members of the Group. On April 10, a FCC/Mellon file-stamped copy of the Form 159 cover page was returned to JSI.

On or about May 11, 2007, FCC staff member Steven Broecker informed JSI that a filing fee of \$1250.00 would need to be paid on behalf of each of the 57 members of the Group. That total would amount to \$71,250.00. As JSI had previously paid an initial filing fee in the amount of \$1250.00, the resulting balance would be \$70,000.

¹ JSI's FRN number is 0003748142.

² Rural ATM Digital Video Provides Group Petition for Waiver of 47 C.F.R. § 76.120(b); Implementation of Section 304 of the Telecommunications Act of 1996; Commercial Availability of Navigation Devices, CS Docket No. 97-80, filed April 9, 2007, confirmation number 200749816797 ("Petition").

³ Check number 19902. Check date May 5, 2007.

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On May 31, JSI filed the filing fee balance by check in the amount of \$70,000⁴ along with a Form 159 on behalf of each of the 57 Group member companies. Ultimately, this filing was returned for an administrative error regarding the Forms 159. On June 7, JSI resubmitted the payment of \$70,000⁵ to the FCC/Mellon Bank with corrections made to the Forms 159. A FCC/Mellon file-stamped copy was returned to JSI on June 8.

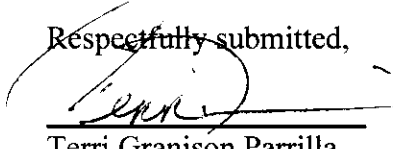
On or about June 11, FCC/Mellon staff member Joan Hunley called to indicate that although she had received 57 Forms 159, she could only apply the \$70,000 payment to 56 of the 57 companies because that amount only totaled 56 individual payments of the \$1250.00 filing fee. JSI informed Joan of the initial fee payment of \$1250.00 filed on April 9. She indicated, however, that there was no way to associate that initial payment with the current payment of \$70,000; nor could she guarantee that the 57th company would be covered by the initial payment of \$1250.00.

Accordingly, JSI decided internally to instruct Mellon bank staff to exclude one of the 57 companies, namely Yadkin Valley Telecom, Inc., from the June 7 \$70,000 payment.⁶ JSI then made an immediate subsequent payment on June 11 of \$1250.00⁷ specifically for Yadkin Valley Telecom, Inc., the excluded company. JSI also decided to seek a refund of the initial payment of \$1250.00 at sometime following completion of the fee processing on the Petition for Waiver for all companies.

The FCC has since accepted payment for all 57 members of the Group and has acted on the Petition for Waiver.⁸ At this time, therefore, JSI requests a refund of its initial fee payment in the amount of \$1250.00.

Please contact the undersigned with any questions or concerns.

Respectfully submitted,



Terri Granison Parrilla
Manager
John Staurulakis, Inc

⁴ Check number 76317. Check date May 31, 2007.

⁵ Same check information: Check number 76317; Check date May 31, 2007.

⁶ For administrative ease, JSI excluded Yadkin Valley Telecom, Inc.'s Form 159 from the \$70,000 fee payment because it was the company that fell last in the alphabetical list of the 57 member companies.

⁷ Check number 76365. Check date June 11, 2007.

⁸ See *Consolidated Requests for Waiver of Section 76.1204(a)(1) of the Commission's Rules; Implementation of Section 304 of the Telecommunications Act of 1996; Commercial Availability of Navigation Devices* CS Docket No. 97-80, DA 07-2921 (Rel. Jun. 29, 2007).